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PATENT APPLICATION

ATTORNEY DOCKET NO. 200313679-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Cherng Linn Teo et al

Confirmation No.: 5031

Application No.: 10/808224

Examiner: Morrison, Thomas A

Filing Date: Mar 23, 2004

Group Art Unit: 3653

Title: A Duplex System For An Inkjet Printer

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 12 March 2008.

☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$460

☐ 3rd Month
\$1050

☐ 4th Month
\$1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 510. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Cherng Linn Teo et al

By 

Ms Thi Dang

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Reg No. : 53877

Date : May 8, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of Cherng Linn TEO et al. Application No. 10/808,224 Filed: March 23, 2004 Title: A DUPLEX SYSTEM FOR AN INKJET PRINTER	Group Art Unit: 3653 Examiner: Thomas Morrison
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APPELLANTS' APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Appeal Brief – Patents

Sir:

This is an Appeal Brief in connection with the decision of the Examiner in the Final Office Action dated December 14, 2007. A Notice of Appeal was filed on March 12, 2008.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

III. Status of Claims

Claims 18-22 are pending in the application and stand finally rejected. Accordingly, Appellants appeal from the final rejection of claims 18-22, which claims are presented in the Claim Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action dated
December 14, 2007.

V. Summary of the Claimed Subject Matter

Independent Claim 18 pertains to an inkjet printer comprising:

a printhead (306, Fig. 3A) for printing a media sheet;

a front duplex module (302) comprising: (i) a media path entry (314) where a media sheet (312) to be printed can enter (Fig. 3A, Specification: page 5, second paragraph); (ii) a linefeed-roller assembly (308) configured to transport the media sheet entering the media path entry toward the printhead to enable printing on a first side of the media sheet (Fig. 3A; Specification: page 5, second paragraph); (iii) an output-roller assembly (310) configured to advance the media sheet (312) in a forward direction (arrow 320, Fig. 3A) or to reverse the media sheet in a reverse direction (arrow 322, Fig. 3A), wherein a simplex media path (arrow 324, Fig. 3A) is defined between the linefeed-roller assembly rollers and the output-roller assembly, and the printhead is positioned downstream from the linefeed-roller assembly along the simplex media path but upstream from the output roller assembly (Fig. 3A, Specification: page 5, first and second paragraphs; page 7, first full paragraph); and

a back duplex module (304) detachably coupled to the front duplex module (302), said back duplex module being configured to provide a single, unidirectional loop path for flipping the media sheet one time to thereby enable printing on a second side of the media sheet, wherein said loop path has an entry portion that is positioned next to the media path entry for receiving the media sheet from the front duplex module and an exit portion that is aligned to the simplex media path (Figs. 3A and 3B, Specification: page 6, first full paragraph),

wherein the front duplex module and the back duplex module are configured to provide a duplex media path (328) that includes said loop path, and a duplex path entry (326)

that is positioned adjacent to the output-roller assembly but downstream from the printhead so as to enable a trailing edge of the media sheet to enter the duplex media path (Fig. 3A; Specification: page 7, third full paragraph), and

wherein a portion of the linefeed-roller assembly is positioned adjacent to the duplex media path such that, after the trailing edge of the media sheet entered through the duplex path entry, the trailing edge must bypass said portion of the linefeed-roller roller-assembly and the media path entry before entering the loop path (Fig. 3A; Specification page 7, third full paragraph).

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 18-22 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent Publication No. 2006/0164491 to Sakuma et al. ("Sakuma").

VII. Argument

Claims 18-22 are patentable over Sakuma:

The test for determining if a reference anticipates a claim, for the purpose of a rejection under 35 U.S.C. §102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. §102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claim 18 recites an inkjet printer in which “the printhead is positioned downstream from the linefeed-roller assembly along the simplex media path but upstream from the output roller assembly” (emphasis added). In other words, the output-roller assembly is “downstream” from the printhead along the simplex media path as disclosed in the Specification, page 7, first full paragraph, and shown in Fig. 3A. Claim 18 further recites “a duplex path entry that is positioned adjacent to the output-roller assembly but downstream from the printhead so as to enable a trailing edge of the media sheet to enter the duplex media path” (emphasis added). In contrast, Sakuma discloses a duplex media path that is different from that of Appellants.

Sakuma discloses a duplex system in which “the duplex paper feed unit 51 receives (captures) the sheet of paper 12 conveyed in the direction opposite to the belt conveying direction (in the Y1-direction in FIG. 1) by the reverse rotation of the conveying belt 21” (page 5, paragraph 66). In Sakuma’s system, the paper is being reversed along the same convey path (Y₁-Y₂) during duplex printing, bypassing the recording head 4 again, in order for the paper to enter the duplex unit 51 (paragraph [0079]. This point of entry to the duplex path is far away from the ejection rollers (42, 43), i.e., not adjacent to the ejection rollers (42,43). As such, the duplex path in Sakuma’s apparatus is not the same as that recited in claim 18. In Appellants’ system, the paper is being reversed during duplex printing into a path that is different from the simplex path, and the paper does not bypass the printhead again prior to entering the duplex unit. In fact, Sakuma’s duplex system is similar to the conventional duplex system shown in FIG. 1 of Appellants’ specification. As discussed in the background section of the present application, the conventional duplex system shown in FIG. 1 suffers from not being able to print all the way to the trailing edge (Appellants’ specification: page 2, first paragraph).

The Final Office Action stated on page 5:

“It is important to note that the examiner relies upon the direction that the sheet travels to determine what is “upstream” or “downstream” ... When the sheet is travelling to the right along the simplex path, the sheet is going “upstream” to the right. On the other hand, when the sheet is travelling to the left along the duplex path, the sheet is going “upstream” to the left.” Based on this interpretation of the terms “upstream” and “downstream”, the Examiner contended that the limitations of claim 18 are met by Sakuma. However, the Examiner’s interpretation of the terms “upstream” and “downstream” is contrary to what Appellants already define in claim 18 and in the specification as “upstream”

and “downstream.” Claim 18 recites: “the printhead is positioned downstream from the linefeed-roller assembly along the simplex media path but upstream from the output roller assembly.” As such, what are considered “downstream” and “upstream” along the simplex path have been defined.

With regard to the limitation “a duplex path entry that is positioned adjacent to the output-roller assembly but downstream from the printhead so as to enable a trailing edge of the media sheet to enter the duplex media path,” the Examiner contended that the duplex path entry (near 25) of Sakuma is positioned “adjacent” to (i.e. close to or nearby) the output-roller assembly (42,43) (page 7 of Final Office Action). However, the Examiner’s interpretation of how this limitation is met by Sakuma is not reasonable. The ejection rollers (42,43) of Sakuma cannot be “*adjacent*” to the duplex path entry (which is next to roller 25), as recited in claim 18, when the recording head 4 is positioned between roller 25 and the ejection rollers (42,43). As defined in claim 18 and shown in Fig. 3A of Appellants’ drawings, the printhead (306) of Appellants’ system cannot be positioned between the duplex path entry (326) and the output-roller assembly (310) along the simplex media path (324). Furthermore, it is submitted that Sakuma’s duplex path entry (next to roller 25) is not “*downstream*” from recording head 4 as defined by claim 18. Again, what is considered “*downstream*” has already been defined in claim 18.

Office personnel must rely on the applicant’s disclosure to properly determine the meaning of the claims. *Markman v. Westview Instruments*, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (*en banc*), *aff’d*, U.S., 116 S. Ct. 1384 (1996). Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

In the present case, it is submitted that the Examiner's interpretation of claim 18 is not *reasonable* based on the claim language and what is disclosed in Appellants' specification.

Conclusion

For the foregoing reasons, the rejection of claim 18 and its dependent claims based on Sakuma should not be sustained. A reversal of the Final rejection of December 14, 2007 is respectfully requested.

Date: May 8, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thi Dang', with a long horizontal flourish extending to the right.

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VIII. CLAIMS APPENDIX

1-17. (Canceled)

18. (Previously presented) An inkjet printer comprising:

a printhead for printing a media sheet;

a front duplex module comprising: (i) a media path entry where a media sheet to be printed can enter; (ii) a linefeed-roller assembly configured to transport the media sheet entering the media path entry toward the printhead to enable printing on a first side of the media sheet; (iii) an output-roller assembly configured to advance the media sheet in a forward direction or to reverse the media sheet in a reverse direction, wherein a simplex media path is defined between the linefeed-roller assembly and the output-roller assembly, and the printhead is positioned downstream from the linefeed-roller assembly along the simplex media path but upstream from the output-roller assembly; and

a back duplex module detachably coupled to the front duplex module, said back duplex module being configured to provide a single, unidirectional loop path for flipping the media sheet one time to thereby enable printing on a second side of the media sheet, wherein said loop path has an entry portion that is positioned next to the media path entry for receiving the media sheet from the front duplex module and an exit portion that is aligned to the simplex media path,

wherein the front duplex module and the back duplex module are configured to provide a duplex media path that includes said loop path, and a duplex path entry that is positioned adjacent to the output-roller assembly but downstream from the printhead so as to enable a trailing edge of the media sheet to enter the duplex media path, and

wherein a portion of the linefeed-roller assembly is positioned adjacent to the duplex media path such that, after the trailing edge of the media sheet entered through the duplex path entry, the trailing edge must bypass said portion of the linefeed-roller assembly and the media path entry before entering the loop path.

19. (Previously presented) The inkjet printer of claim 18, wherein the linefeed-roller assembly and the output-roller assembly are coupled to each other to provide a coordinated

control for handling the media sheet.

20. (Previously presented) The inkjet printer of claim 18, wherein said back duplex module comprises a duplex roller arranged to advance the media sheet along said loop path toward the linefeed-roller assembly.

21. (Previously presented) The inkjet printer of claim 18, wherein said back duplex module comprises two duplex rollers arranged to advance the media sheet along said loop path toward the linefeed-roller assembly.

22. (Previously presented) The inkjet printer of claim 18, wherein said front duplex module further comprises a pair of transfer rollers arranged along the duplex media path to advance the media sheet along the duplex media path.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None.